PART IV.

Section 1-B

ACTS OF PARLIAMENT AND ORDINANCES OF THE PRESIDENT WHICH APPLY TO MYSORE.

NOTIFICATIONS.

No. L.D. 1379—Legis. 18-49-24, Bangalore, dated 16th March 1950.

Ordered that the accompanying Immigrants (Expulsion from Assam) Act, 1950 (X of 1950) published in the *Gazette of India*, dated the 7th March 1950, be republished in the *Mysore Gazette*, for general information.

By order of His Highness the Maharaja.

B. S. PUTTASWAMY,
Legal Remembrancer and Secretary to Government, Law Department.

Received Assent on 1st March 1950.

GOVERNMENT OF INDIA.

MINISTRY OF LAW.

THE IMMIGRANTS (EXPULSION FROM ASSAM) ACT, 1950 (X of 1950).

An

ACT

to provide for the expulsion of certain immigrants from Assam.

BE it enacted by Parliament as follows:—

1. Short title and extent.—(*1*) This Act may be called the Immigrants (Expulsion from Assam) Act, 1950.

(*2*) It extends to the whole of India.

2. Power to order expulsion of certain immigrants.—If the Central Government is of opinion that any person or class of persons, having been ordinarily resident in any place outside India, has or have, whether before or after the commencement of this Act, come into Assam and that the stay of such person or class of persons in Assam is detrimental to the interests of the general public of India or of any section thereof or of any Scheduled Tribe in Assam, the Central Government may by order—

(*a*) direct such person or class of persons to remove himself or themselves from India or Assam within such time and by such route as may be specified in the order; and

(*b*) give such further directions in regard to his or their removal from India or Assam as it may consider necessary or expedient:

Provided that nothing in this section shall apply to any person who on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been displaced from or has left his place of residence in such area and who has been subsequently residing in Assam.

3. Delegation of power.—The Central Government may, by notification in the official Gazette, direct that the powers and duties conferred or imposed on it by section 2 shall, subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by—

(*a*) any officer subordinate to the Central Government;

(*b*) the Government of Assam or any officer subordinate to that Government.

4. Power to give effect to orders, etc.—Any authority empowered by or in pursuance of the provisions of this Act to exercise any power may, in addition to any other action expressly provided for in this Act, take or cause to be taken such steps, and use or cause to be used such force, as may in its opinion be reasonably necessary for the effective exercise of such power.

5. Penalties.—Any person who—

(*a*) contravenes or attempts to contravene or abets the contravention of any order made under section 2, or

(*b*) fails to comply with any direction given by any such order, or

(*c*) harbours any person who has contravened any order made under section 2 or has failed to comply with any direction given by any such order,

shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.

6. Protection to persons acting under this Act.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

7. Repeal and saving.—(*1*) The Undesirable Immigrants (Expulsion from Assam) Ordinance, 1950 (I of 1950) is hereby repealed.

(*2*) Notwithstanding such repeal, anything done or any action taken in the exercise of any power conferred by or under the said Ordinance shall be deemed to have been done or taken in the exercise of the powers conferred by or under this Act, as if this Act were in force on the day on which such thing was done or action was taken.

No. L.D. 1500—Legis. 18-49-27, dated Bangalore, 20th March 1950.

Ordered that the accompanying Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950 (XV of 1950), published in the *Gazette of India*, dated the 11th March 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

Received Assent on 10-3-1950.

GOVERNMENT OF INDIA

MINISTER OF LAW

ACT No. XV of 1950.

THE JUDICIAL COMMISSIONERS' COURTS (DECLARATION AS HIGH COURTS) ACT, 1950.

AN

ACT

to declare the Judicial Commissioners' Courts in Part C States to be High Courts for certain purposes of the Constitution.

BE it enacted by Parliament as follows :—

1. Short title and commencement.—(*1*) This Act may be called the Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950.

(*2*) It shall be deemed to have come into force on the 26th day of January 1950.

2. Definition.—In this Act, "article" means an article of the Constitution.

3. Declaration of certain Courts as High Courts for certain purposes.—Every court in a Part C State known, at the commencement of this Act, as the Court of the Judicial Commissioner for that State (hereinafter referred to as a Judicial Commissioner's Court), is hereby declared to be a High Court for the purposes of articles 132, 133 and 134.

4. Appeals to the Supreme Court not to be barred on ground of judgment, etc., being of a single Judge.—An appeal shall lie to the Supreme Court under the provisions of article 133 from any judgment, decree or final order of a Judicial Commissioner's Court notwithstanding that such judgment, decree or final order is that of a single Judge.

5. Appeals to lie to the Supreme Court from judgment, decree, etc., whether passed or made before or after the commencement of the Act.—Subject to any rules made under article 145 or any other law as to the

time within which appeals to the Supreme Court are to be entered, an appeal shall lie to that Court from a judgment, decree or final order of a Judicial Commissioner's Court under the provisions of article 132 or article 133, or from a judgment, final order or sentence of such Court under the provisions of article 134 whether such judgment, decree, final order or sentence, as the case may be, was passed or made before or after the commencement of this Act.

Exceptions and modifications subject to which the provisions of Chapter V of Part VI of the Constitution apply to the Judicial Commissioners' Courts.—The provisions of Chapter V of Part VI of the Constitution shall in their application to a Judicial Commissioner's Court have effect subject to the following exceptions and modifications, namely :—

(*a*) the provisions of articles 216, 217, 218, 220, 221, 222, 223, 224, 230, 231 and 232 shall not apply ;

(*b*) references in article 219, in the proviso to clause (3) of article 227 and in article 229 to the Governor shall be construed as references to the Chief Commissioner of the State in relation to which that Court exercises jurisdiction.

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